



Planning Department

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MEMORANDUM

To: Planning Board **Date:** February 8, 2008

From: Roland Bartl, AICP, Planning Director

Subject: RQR – draft decision 08-02

Included in this meeting package is the final draft decision on the application for the Residences at Quail Ridge. I have consulted extensively with Town Counsel which resulted in the draft as now before you. See also memo from Counsel regarding the collapsing of the access determination process into one step and, separately (in confidential file), on

- matters related to rights of access to public ways and Planning Board evaluation of the suitability of the public ways for access (which is in confidential file) regarding legal, and
- matters related to Board and/or Town liability.

The changes from previous decision drafts are (highlights only):

1. Collapse of the 3-step process for evaluating and deciding secondary access into one hearing for an open evaluation and comparison of all alternative side-by-side, as recommended by Town Counsel.
2. Hazelnut Street to Nagog Conservation area - trail construction to be completed within 180 of Town Meeting acceptance of easement and before the 20th building permit. Some flexibility in this seemed appropriate given the need for ConCom approvals for the trail.
3. Best efforts to secure affordable unit eligibility for inclusion in the Acton subsidized housing inventory and reservation of right for Board to make minor modifications to the permit to facilitate that goal.
4. Rescission application of previous special permits within one year allows for review of their applicability under then current conditions. No point of having old permits out there. Review for rescission allows examination if any prior permit conditions are still pertinent. Special permits on this site go back to 1998.